

00684.002902

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 23 11 00 39

US PATENT & TRADEMARK  
OFFICE

In re Application of:

MASAAKI NAKABAYASHI ET AL.

Application No.: 09/401,660

Filed: September 23, 1999

For: DIFFRACTIVE OPTICAL  
ELEMENT AND METHOD OF  
MANUFACTURE OF THE SAME

)  
: Examiner: A.Y. Chang

)  
: Art Unit: 2872

)  
: February 17, 2006

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

In connection with the above-identified application, Applicants request a refund of \$120.00 for a one month extension fee, which were erroneously charged to our Deposit Account 06-1205. It is requested that the refund be applied as a credit to that Deposit Account. The reason for the refund is explained below.

On October 6, 2005, Applicants filed a Request for Continued Examination (RCE) and Petition For Extension of Time, along with the appropriate filing fee of \$790.00 and extension fee of \$120.00. No additional extension fees were due at that time. A copy of the RCE and Petition are attached.

The Patent Office's Monthly Statement of Deposit Account, dated September, 2005 (copy attached), indicates that Deposit Account No. 06-1205 was charged

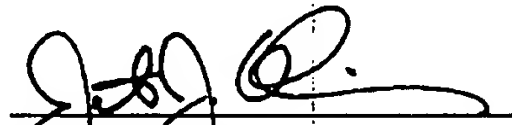
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the fee of \$120.00 for an extension fee. Consequently, Applicants respectfully submit that a refund of \$120.00 is due.

Accordingly, Applicants hereby request a refund and authorizes the Commissioner to credit Deposit Account No. 06-1205 in the amount of \$120.00, to resolve this matter.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

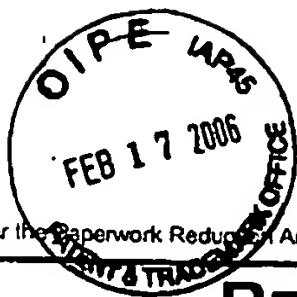
Respectfully submitted,



Justin J. Oliver  
Attorney for Applicants  
Registration No. 44,986

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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PTO/SB/30 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/401,660
Filing Date	September 23, 1999
First Named Inventor	Masaaki NAKABAYASHI, ET AL.
Group Art Unit	2872
Examiner Name	A. Chang
Attorney Docket Number	00684.002902

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on September 6, 2005  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge any deficiencies in the following fees, or credit any overpayments, to Deposit Account No. 06-1205
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 910.00 is enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Justin J. Oliver	Registration No. (Attorney/Agent)	44,986
Signature		Date	October 6, 2005

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Director of the U.S.P.T.O., P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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A circular stamp from the Office of Intellectual Property (OIP). The text "OIP" is at the top, "IAPAS" is at the top right, "FEB 17 2006" is in the center, and "PATENT &amp; TRADEMARK OFFICE" is at the bottom.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

October 6, 2005


PETITION UNDER 37 C.F.R. § 1.136(a)

Submitted herewith is a check for \$120.00 to cover the fee for the extension under 37 C.F.R. § 1.17. Any deficiency in or overpayment of this fee should be charged or credited to Deposit Account No. 06-1205. A duplicate of this petition is enclosed for that purpose.

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Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
Justin J. Oliver  
Attorney for Applicants  
Registration No.: 44,986

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

JJO/tmm

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**United States  
Patent and  
Trademark Office**



**Deposit Account Statement**

Requested Statement Month: September 2005  
 Deposit Account Number: 061205  
 Name: FITZPATRICK CELLA HARPER & SCINTO  
 Attention:  
 Address: 30 ROCKEFELLER PLAZA  
 City: NEW YORK  
 State: NY  
 Zip: 10112-3801  
 Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
09/01	2	10536448	01762.010900	9204	-\$500.00	\$66,449.00
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## Deposit Account Statement

Page 2 of 4

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09/16 853 78714141	03134.002101(3134.10801)	7001	\$325.00	\$52,854.00
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09/22 7 60582273	" "	9204	-\$80.00	\$51,584.00
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09/22 91 11229591	35.C15210	1201	\$100.00	\$51,414.00
09/22 121 09805243	946.2101(946.10509)	1801	\$790.00	\$50,624.00
09/22 529 76520888	0648B.T160A	7004	\$150.00	\$50,474.00
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09/22 1170 78718082	35.C13930	7007	\$275.00	\$49,149.00
09/23 1 09420776	03500.017651	1202	-\$250.00	\$49,399.00
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09/23 438 74503212	NOT IN SYSTEM	8521	\$40.00	\$48,484.00
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Deposit Account Statement

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09/27 7	REPLENISHMENT		9204	-\$26,284.00	\$73,283.00
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09/28 1	09956023	00862.022378	1202	\$600.00	\$72,558.00
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09/29 1	09612565	35.C14627	1801	\$790.00	\$69,361.00
09/29 25	10483486	02312.002400	1452	\$370.00	\$68,991.00
09/29 72	1338264	03386.008740	8504	\$30.00	\$68,961.00
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09/30 482	78191399	3035.9264A	7004	\$150.00	\$67,691.00
	START	SUM OF	SUM OF	END	
	BALANCE	CHARGES	REPLENISH	BALANCE	
	\$65,949.00	\$31,735.00	\$33,477.00	\$67,691.00	

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United States Patent and Trademark Office  
- Sales Receipt -

~~09/09/2005 AWISE1 00000002 061205 09401660~~

~~01 FC:1251 120.00 DA~~

Adjustment date: 03/15/2006 SFELEKE1  
~~09/09/2005 AWISE1 00000002 061205 09401660~~  
~~01 FC:1251 120.00 CR~~

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